

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Brandon Allen Bowman, ) Civil Action No.: 6:15-1216-BHH  
)  
Plaintiff, )  
)  
vs. ) **ORDER AND OPINION**  
)  
)  
Sheriff And Strickland and Captain Jodie )  
Taylor, )  
)  
Defendants. )  
)  
\_\_\_\_\_ )

Plaintiff Brandon Allen Bowman (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On November 3, 2015, the Magistrate Judge issued a Report and Recommendation recommending that this action be dismissed for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff’s failure to notify the court *in writing* if his address changed. *Ballard*, 882 F.2d at 95. (ECF No. 54.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

A Notice of Right to File Objections to Report and Recommendation advising Plaintiff of his right to file objections to the Report was sent to Plaintiff. (ECF No. 54-1, 55.)

On November 30, 2015, the envelope containing Plaintiff's copy of the Report was returned to the Clerk of Court, marked "Return to Sender, Refused, Unable to Forward." (ECF No. 56.)

As noted in the Report, Plaintiff was advised by orders dated March 24, 2015, and April 21, 2015, of his responsibility to notify the court in writing if his address changed, and that his case could be dismissed for failure to comply with the Court's order. (ECF Nos. 7, 15.)

Plaintiff filed no objections and the time for doing so expired on November 20, 2015. In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed.R.Civ.P. 72 and advisory committee's note). Plaintiff has failed to comply with this Court's orders. As such, the Court finds that this case should be dismissed pursuant to Fed. R. Civ. P. 41(b).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

s/Bruce Howe Hendricks  
United States District Judge

December 21, 2015  
Greenville, South Carolina